

**MANDATE**

S.D.N.Y. - N.Y.C.

07-cv-04728

McMahon, J.

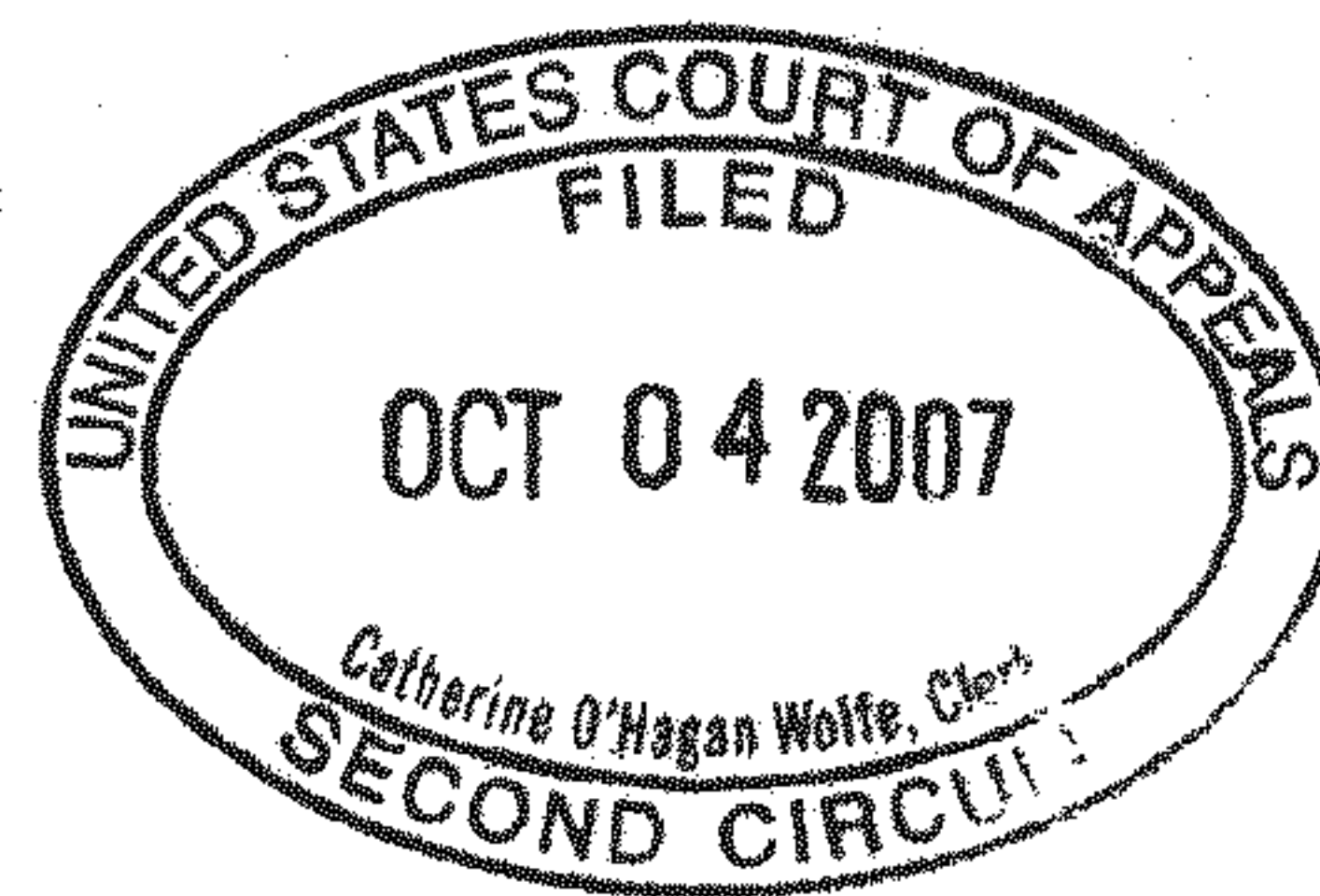
**United States Court of Appeals**

FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 4th day of October, two thousand seven.

Present:

Hon. Pierre N. Leval,  
Hon. Sonia Sotomayor,  
Hon. Robert A. Katzmann,  
*Circuit Judges.*



Osman Altay, Alpa Tekelani,  
Plaintiffs-Appellees,

v.

07-3168-cv

Myrna B. Tagayun,

Defendant-Third Party Plaintiff-  
Appellant,

v.

Regional Director, Region II, United States Department  
of Health and Human Services, Dominick Diminni,  
Glenn R. Wenzel, Muhammet Tekelani, Ralph Trionfo,

Third Party Defendants.

The Appellant, *pro se*, appeals from the district court's order transferring the action to the United States District Court for the District of New Jersey. This Court has determined *sua sponte* that it lacks jurisdiction over this appeal because a final order has not been issued by the district court as contemplated by 28 U.S.C. § 1291. *See Coopers & Lybrand v. Livesay*, 437 U.S. 463, 467 (1978); *Michael v. INS*, 48 F.3d 657 (2d Cir. 1995) (transfer order pursuant to 28 U.S.C. § 1406(a) is an interlocutory order that is not appealable). Therefore, it is ORDERED that the

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appeal is dismissed, and that Appellants' (1) Motion for Stay of Transfer and for a Preliminary Injunction, and (2) Motion to Strike and for Sanctions are denied as moot.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By: Jucille Carr

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk  
by JM  
DEPUTY CLERK

SAO/MML